

Application Serial No: 10/521,630  
Responsive to the final Office Action mailed on: April 22, 2008

### **REMARKS**

This Response is in response to the final Office Action mailed on April 22, 2008.  
Claims 1-12 are pending.

#### **§103 Rejections:**

Claims 1, 2, 5-8, 11 and 12 are rejected as being unpatentable over Kaneko (US Patent No. 5,471,449) in view of Osakabe (US Patent No. 5,872,763). This rejection is traversed.

Claim 1 is directed to a deficiency detecting apparatus that requires, among other features, a power adjusting section and a deficiency detecting section for comparing a threshold value determined by calculating a non-fixed variable value that varies depending on the emitting power of a laser light source adjusted by the power adjusting section with a value corresponding to reflected light that is the light beam reflected by an information layer of the information medium, and detecting the deficiencies on the information layer in accordance with a result of the comparison.

The combination of Kaneko and Osakabe does not teach or suggest these features. The rejection relies on the optimum recording laser value Pwo, Peo, or Pbo of Osakabe for teaching a threshold value determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by the power adjusting section. Osakabe is directed to a method and device that adjusts the optimum writing power Pwo by performing a series of operations known as OPC (optimum power control) with respect to the PCA (power calibration area) (see column 1, lines 41-50 of Osakabe). This is achieved by recording test-recording signals onto an optical disk to determine a combination of optimum fixed intensity values of writing power (Pwo), erasing power (Peo), and bottom power (Pbo) (see abstract of Osakabe). Nowhere does Osakabe teach or suggest using Pwo, Peo, or Pbo as a reference value to be used in a defect detecting section for detecting deficiencies on an information medium. Thus, the optimum recording laser values Pwo, Peo and Pbo cannot be a threshold value determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by the power adjusting section, as required by claim 1. Also, there is no motivation to combine the features of Osakabe

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with the device of Kaneko, as Osakabe is focused on optimizing the optimal writing power Pwo while providing no suggestion for detecting deficiencies in an information medium. For at least these reasons claim 1 is not suggested by the combination of Kaneko and Osakabe and should be allowed. Claims 2, 5 and 6 depend from claim 1 and should be allowed for at least the same reasons.

Claim 7 is directed to deficiency detecting apparatus that requires, among other features, a power adjusting section and a deficiency detecting section for amplifying a signal corresponding to reflected light that is the light beam reflected by an information layer of the information medium at an amplification factor determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by the power adjusting section so as to generate a signal for amplified reflected light amount, and for comparing a value corresponding to the signal for the amplified reflected light amount with a predetermined threshold value and detecting the deficiencies on the information layer in accordance with a result of the comparison.

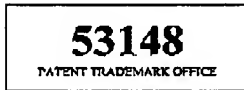
For at least the same reasons discussed above with respect to claim 1, the combination of Kaneko and Osakabe does not teach or suggest the features of claim 7, and claim 7 should be allowed. Claims 8, 11 and 12 depend from claim 7 and should be allowed for at least the same reasons.

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**JUL 11 2008****Conclusion:**

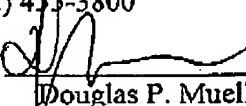
Applicants respectfully assert that claims 1-12 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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